

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

WP(C).No. 23103 of 2007(A)

OS.245/2005 of II ADDL.M.C., ERNAKULAM
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PETITIONER:

C.G.PAVANAJAN, S/O. LATE GOPALAN,
AGED 61 YEARS, CHETTIPARAMBIL HOUSE,
PONEKKARA, NOW RESIDING AT NIRMALYAM,
S.N.ROAD, CHUTTUPADUKARA, EDAPPALLY, ERNAKULAM.

BY ADV. SRI.SIMON LUIZ
SRI.SHOBY K.FRANCIS

RESPONDENTS:

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1. P.K.PRABHAKARAN, S/O. GOPALAN,
CHETTIPARAMBIL, CHERANELLORE, KANAYANNUR TALUK.
 2. P.K.PARVATHY, W/O. GOPALAN,
CHETTIPARAMBIL, PONEKKARA, EDAPPALLY NORTH
VILLAGE.
 3. C.G.VODINY, W/O. AMBUJAKSHAN,
PADINJAREPARAMBIL, UDAYANAPURAM (VIA),
POOTHOTTA.
 4. C.G.VANAJA, W/O. SASIDHARAN,
THRIPTHY, WEST OF SCHOOLPADY, CHITTOOR ROAD,
VADUTHALA, KOCHI-23.
 5. C.G.KOMALAN, W/O. SUDHAKARAN,
CHETTIPARAMBIL HOUSE, PONEKKARA, EDAPPALLY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.N.KRISHNAN, J.

WP (C) No.23103 OF 2007 A

Dated this the 27th July, 2007.

JUDGMENT

The writ petitioner moved an application before the Munsiff, Ernakulam requesting to summon or give direction to the Assistant Director Central Survey Office, Survey and Land Records to provide him the old survey sketch and plan of the properties of the plaint A schedule comprised in survey No:41/11A and plaint B schedule property. It is true that the prayer to have such a copy from the District Survey Superintendent was allowed but he filed a report to the effect that the said document is not in his custody and is not available. Now the plaintiff wants to make an attempt to get it from the Assistant Director, Survey and Land Records Office. It appears from the contention raised in the case that the survey plan and sketch (with reference to old survey) is necessary for a proper determination of the case. It is better not to shut out and refuse opportunity to the plaintiff to get such a document, if it is really available. Therefore, the order under challenge is set aside and the learned Munsiff is directed to issue direction to the Assistant Director Central Survey Office, Survey and Land Records to issue a copy of the survey sketch and plan as prayed for, if it is available in his

custody or otherwise to file a statement to that effect so that the matter can be proceeded further with. It may also be stated that the Assistant Director shall comply with the directions within a period of six weeks from the date of receipt of the summons from the court below. Writ petition is disposed of accordingly.

M. N. KRISHNAN
Judge